

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EARNEST SCOTT, Jr.,	:
Plaintiff	:
v.	: Case No. 3:22-cv-52-KAP
PENNSYLVANIA DEPARTMENT OF	:
CORRECTIONS, <i>et al.</i> ,	:
Defendants	:

Memorandum Order

Plaintiff's motion at ECF no. 44 is denied without prejudice: plaintiff should at the least attach the proposed additional interrogatories and explain (not just assert) why they are necessary. Plaintiff's latest motion to amend the complaint at ECF no. 45 is denied without prejudice to filing a new complaint containing the new claims against the new defendants. Plaintiff's motion to extend time for discovery at ECF no. 47 is denied without prejudice: if plaintiff files an adequate motion showing cause why additional discovery should be allowed, then there would be a reason to extend discovery.

Plaintiff's Affidavit at ECF no. 48, to the extent it is intended as a motion, is denied for the same reason I have denied the identical motions filed in plaintiff's other cases.

Plaintiff's motion for preliminary injunction/TRO, ECF no. 52, is denied without a hearing. Not only does it lack evidentiary support justifying the relief sought, even if an attempt had been made to comply with Fed.R.Civ.P. 65, the purpose of a motion under Rule 65 is to maintain the *status quo* to avoid the likelihood of irreparable injury before a decision on the merits of an existing complaint can be rendered. *See Winter v. Natural Resources Defense Council*, 555 U.S. 7, 22 (2008). That implies that it is appropriate to grant intermediate relief of the same character as that which may be granted finally, but not to grant relief not available in the underlying action. *DeBeers Consolidated Mines v. United States*, 325 U.S. 212, 220 (1945). That is, plaintiff must show some nexus between the claims raised in a motion for injunctive relief and the claims set forth in the underlying complaint. *Pacific Radiation Oncology, LLC v. Queen's Medical Center*, 810 F.3d 631, 633-36 (9th Cir. 2015), *cited with approval* in *Guille v. Johnson*, No. 21-1515, 2021 WL 4490248, at *2 (3d Cir. Oct. 1, 2021). None appears.

DATE: September 18, 2023



Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

Earnest Scott, Jr. ND-3773
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698